IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2323 OF 2006
IN
CRIMINAL APPEAL NO. OF 2006

Mr.Anurath Dagadu Shegade ...Applicant

V/s.

Vitthal Laxman Shegade & Ors. ...Respondents

Mr.Sachin S. Punde for Applicant.
Mrs.M.M. Deshmukh APP for the State.

CORAM : V.M. KANADE, J.
DATED : 4th OCTOBER, 2007.

P.C:-

1. Heard learned counsel for the Applicant and learned APP for the State.

2. Applicant is challenging the judgment and order passed by the Judicial Magistrate, First Class, Karmala, Solapur, who was pleased to acquit the Respondents/Accused for the offence punishable U/s.504 r/w 34 of IPC.

3. Learned counsel for the Applicant invited my attention to the impugned order and submitted that the Trial Court had erred in holding that

there were material contradictions in the evidence of eye witnesses who were examined by the Complainant. He submitted that the Complainant had examined four witnesses namely PW-1 Anurath Shegade-Complainant, PW-2 Raghunath Bhandwalkar, PW-3 Vishnu Shegade and PW-4 Rawsaheb Jagdale. He submitted that these witnesses had stated in categorical terms that the Accused No.1 to 8 came near the house of the Complainant and abused and threatened the Complainant. He submitted that the Magistrate had erred in holding that in view of contradictions in the evidence of prosecution witnesses, serious doubt is raised regarding presence of the Accused. He further submitted that the Magistrate had erred in discarding evidence of prosecution witnesses namely PW-3 and PW-4.

4. I have perused the impugned order and also notes of evidence which are annexed to the application. The Trial Court after having appreciated evidence on record, has come to the conclusion that there are serious contradictions in the evidence of these witnesses. It is not possible for this Court to substitute view taken by the Trial Court. Hence, no case is made out for grant of leave. Leave is refused. Appeal does not survive.

. Criminal Application is disposed of accordingly.

V.M. KANADE, J.